

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

UNITED STATES OF AMERICA)	
)	
v.)	Docket No. 3:14-cr-00007
)	The Hon. Robert E. Payne
CHARLES D. BOOKER,)	
)	
<i>Defendant.</i>)	

DEFENDANT’S REQUEST FOR STATUS OF PENDING MOTION

Defendant, Charles D. Booker, respectfully requests that the Court inform him of the status of his pending motion.

On October 4, 2021, Mr. Booker filed a pro se Motion for Compassionate Release Pursuant to § 3582(c)(1)(A)(i). *See* ECF No. 49. In his motion, he contested the career offender designation under U.S.S.G. § 4B1.1(a), citing to *United States v. Norman*, 935 F.3d 232 (4th Cir. 2019). ECF No. 49 at 2, 4. He asserted that his career offender designation was no longer appropriate and that he was entitled to compassionate release relief and a reduced sentence. *Id.*

On October 15, 2021, this Court appointed the Federal Public Defender’s Office to represent Mr. Booker. ECF No. 50. The Federal Public Defender’s Office filed a motion to withdraw as counsel on November 5, 2021. ECF No. 52. On November 15, 2021, the Court ordered that new counsel be appointed for Mr. Booker and set a briefing schedule. ECF No. 53. Court-appointed counsel, Ms. Stephanie Hinkle, after two requests to continue the date for the filing of the compassionate release motion, filed for relief on February 21, 2022. ECF No. 58. The government filed its response on March 4, 2022, and Ms. Hinkle responded on March 9, 2022. ECF No. 60, 61. The defendant filed a supplemental reply on March 21, 2022. ECF No. 62

On March 29, 2022, the Court ordered additional briefing from the government to address the defendant's claim that *United States v. Carthorne*, 726 F.3d 503 (4th Cir. 2013) also impacted the defendant's career offender designation. ECF No. 63. The government filed its responsive pleading on April 8, 2022 (ECF No. 65), and the defendant replied on April 24, 2022. ECF No. 67. On August 18, 2022, this Court denied relief, without prejudice, for failure to properly exhaust administrative remedies. ECF No. 68.

The defendant, pro se, filed a renewed Motion for Compassionate Release Pursuant to §3582(c)(1)(A)(i) on November 8, 2022. ECF No. 69. He filed a motion to appoint counsel the same day. ECF No. 70. The Court appointed undersigned counsel on December 5, 2022. ECF No. 72. Counsel filed a Supplemental Motion for Compassionate Release on January 4, 2023; the government responded on January 19, 2023; and a reply was filed on January 24, 2023. ECF Nos. 73, 75, and 76, respectively. A letter from Mr. Booker's counselor was submitted to the Court on January 30, 2023, reporting on the outstanding work Mr. Booker was doing as kitchen manager as FCI Bennettsville. ECF No. 77 That was the last filing in this case.

It has now been over two years since Mr. Booker initially filed for compassionate release in this Court, relying essentially on the same premise he relied upon in his most recent filings – that his career offender designation under *United States v. Norman*, 935 F.3d 232 (4th Cir. 2019) is no longer applicable. Therefore, his sentence should be reduced under 18 U.S.C. §3582(c)(1)(A)(i).

Mr. Booker respectfully asks for a status report on the progress of his pending motion and requests that the Court resolve his case as expeditiously as possible.

Respectfully submitted,

Charles D. Booker

By: /s/
Robert J. Wagner
Va. Bar No. 27493
Robert J. Wagner, PLC
Attorney for Mr. Booker
101 Shockoe Slip, Suite J
Richmond, VA 23219
(804) 814-8172
(804) 494-5620 (fax)
robwagnerlaw@gmail.com